

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES BRADFORD,

Plaintiff,

vs.

Civil Action 2:09-CV-180
Judge Smith
Magistrate Judge King

BYRON POTTS, et al.,

Defendants.

ORDER

On March 12, 2009, the United States Magistrate Judge issued an *Order and Report and Recommendation* granting plaintiff's application for leave to proceed *in forma pauperis* but recommending that the action be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Doc. No. 2. This matter is now before the Court on plaintiff's objections to that *Report and Recommendation*, which the Court will consider *de novo*. 28 U.S.C. §636(b).

Plaintiff's objections do not address the reasoning or conclusions of the *Report and Recommendation*.¹ Having reviewed the record and plaintiff's objections, the Court agrees that it lacks diversity jurisdiction under 28 U.S.C. §1332, that the complaint fails to state a claim for relief under 42 U.S.C. §1983 against defendant Potts and that defendant Sheeran is absolutely immune from monetary relief, the only form of relief sought by plaintiff in this action.

¹The objections, and the documents attached to the objections do point out an error in the *Report and Recommendation*. The *Report and Recommendation* indicated that one of the named defendants is a state court magistrate; in fact, however, it appears that that defendant is a judge of the Franklin County Court of Common Pleas.

The objections to the *Report and Recommendation* are **DENIED**.
The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is
DISMISSED pursuant to 28 U.S.C. §1915(e).

The Clerk shall enter **FINAL JUDGMENT**.

s/George C. Smith
George C. Smith, Judge
United States District Court